

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY)	
OF ILLINOIS)	
)	
Petition for a Certificate of Public)	
Convenience and Necessity, pursuant to)	Docket No. 14-0514
Section 8-406 of the Illinois Public Utilities)	
Act, and an Order pursuant to Section 8-)	
503 of the Public Utilities Act, to Construct,)	
Operate and Maintain a New High Voltage)	
Electric Service Line in the Counties of)	
Peoria and Knox, Illinois)	

**INITIAL BRIEF
OF THE “SP PARTIES”**

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**INITIAL BRIEF
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I. INTRODUCTION

The Petition

Ameren Transmission Company of Illinois (“ATXI”) has designed a new 345,000 Volt electric transmission line and related facilities, to span from a new substation in Galesburg, Illinois, to the Fargo substation, outside Peoria, Illinois (the “Project”). The Project is one of two components of the MISO approved Multi Value Project known as MVP16. The other component of MVP16 is the subject of MidAmerican Energy Company’s (“MEC”) Petition in docket number 14-0494, spanning from the new Galesburg substation to Oak Grove, Illinois.

ATXI filed its Verified Petition for a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to §8-406 of the Public Utilities Act¹ (the “PUA”), with the Illinois Commerce Commission (the “Commission”) on August 21, 2014. The Verified Petition also sought relief in the form of an Order under §8-503 of the PUA, authorizing

¹ 220 ILCS 5/8-406.

or directing ATXI to construct the proposed transmission line. As part of its Petition, ATXI proposed a primary route (“ATXI’s Route A”) and a secondary route (“ATXI’s Route B”) for the project.

The Parties

As this docket progressed, several groups of individuals sought to intervene in these proceedings. Of those groups and individuals, the “SP Parties” consist of the Knox County Landowner Intervenors, the Peoria County I-74 Landowner Intervenors and Charles and Annette Zelnio.

The “Knox County Landowner Intervenors” consist of Block Farms, Inc., Jean A. Brodine, The Estate of Robert R. Humphreys, Gloria Jean Humphreys, Valrie M. Moffett, Sally J. Ramp, Roshan LLLP, Wild Rose Farm, Inc., and the Pauline Johnson Family Limited Partnership. Its Petition to Intervene was filed on September 10, 2014, and granted on September 12, 2014. Tr. 27:11-12.

The “Peoria County I-74 Landowner Intervenors” consist of G. Rodger Moon, Randall W. Moon, Richard T. Moon, and the Kathryn Moon Trust. Like the Knox County Landowner Intervenors, it filed its Petition to Intervene on September 10, 2014, and it was granted on September 12, 2014. *Id.* These individuals have interest in farm ground that has not only been in the family for generations, but has also been recognized as a Sesquicentennial farm, and the subject of a (nearly) century old Illinois Supreme Court case. R. Moon, Dir., Randall Moon Ex. 1.0, ll. 36-39, 65-67.

The final members of the SP Parties are Charles R. and Annette L. Zelnio. Their Petition to Intervene was filed on October 20, 2014, and granted in mid-December, 2014. *Notice*, p. 1 (Dec. 17, 2014).

Other intervenors include Joyce and Roger Best, Bethany Baptist Church, Ralph and Joyce Kingdon, John Kunkle, William and Carol McMurtry, Thomas Palmer, Keith and Kathleen Sherman, Janet and Matthew Shipley, Everett Shissler, and Kellie and Trent Tomlinson.

Summary of SP Parties Position

The SP Parties present two primary arguments to the Commission. First, they contend that the Petition should only be granted to the extent that MEC is provided authority to construct its portion of the MVP16 in docket 14-0494 and does so. The second argument concerns routing. The SP Parties, like other intervenors in this case, uniformly contend that ATXI's Route B is superior to ATXI's Route A, as discussed in §IV(B) below. However, if the Commission concludes otherwise, which it should not, Charles and Annette Zelnio assert that a localized modification to ATXI's Route A in Section 6 of Elba Township results in superior routing. Similarly, the Knox County Landowner Intervenors argue that a localized modification in Persifer and Haw Creek Townships in Knox County provides for superior routing.

II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

The proposed Project is one of two components of the MVP16 project. Borkowski, Dir., ATXI Ex. 1.0N, ll. 46-49. The ATXI portion of the project only creates benefits if the MEC portion of the project is constructed and operated. *Id.*, ll. 51-55. Accordingly, the relief sought by ATXI should be explicitly conditioned on such approval and construction.

III. NEED FOR THE PROPOSED FACILITIES TO SERVE CUSTOMERS OR TO PROMOTE DEVELOPMENT

The SP Parties reassert and adopt the position provided in §II above.

IV. LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES

This Commission utilizes a twelve-factor test to compare routes in transmission line cases. See, Final Order, pp. 14-15, *Ameren Illinois Transmission Co.*, Docket No. 12-0598 (Aug. 20, 2013). These twelve factors are:

1. Length of line,
2. Difficulty and cost of construction,
3. Difficulty and cost of operation and maintenance,
4. Environmental impacts,
5. Impacts on historical resources,
6. Social and land use impacts,
7. Number of affected landowners and other stakeholders,
8. Proximity to homes and other structures,
9. Proximity to existing and planned development,
10. Community Acceptance,
11. Visual impact, and
12. Presence of existing corridors.

Id. p. 15. Generally, the factors are balanced “based upon the evidentiary record.” Order, p. 35, *In re Commonwealth Edison Co.*, Docket 13-0567 (Oct. 22, 2014). However, the Commission has determined that some factors are to be accorded additional consideration. “[S]ome weight should be given . . . when weighing the various options” when there is an agreed upon modification. *Id.*, p. 24. This Commission has also explained that impacts to residences are of greater concern than costs. Order, p. 16, *In re Illinois Power Company d/b/a Ameren IP & Ameren Illinois Transmission Co.*, Docket 06-0179, p. 16 (May 16, 2007) (“Although the Staff proposal is longer and thus more costly, it provides, among other things, an important benefit of

avoiding the siting of high-voltage transmission lines in close proximity to residential dwellings.”).

Many of the factors run together. For example, while a route may be “more difficult to construct,” that difficulty can easily be measured by the costs associated with overcoming it. See, Klein, Tr. 228:7-23, 229:8-14, 246:19-24 (explaining that the ATXI calculated costs include the costs of overcoming various difficulties). Additionally, in this docket, increases in project costs may be overstated and only a small percentage find their way into rates to Illinois ratepayers. To begin, estimated costs vary from -20% to +30%. Klein, Tr. 231:6-9. More importantly, Illinois ratepayers only have to pay approximately 9.5% of any costs of constructing the Project. Rockrohr, Reb., Staff Ex. 2.0N, Il. 191-195; SP-ATXI Cross Ex. 1. Accordingly, when comparing costs, it must be remembered that the values provided are approximately 10 times the amount for which Illinois ratepayers will be responsible. *Id.*

IV(Z). LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES (ZELNIO MODIFICATION)

Charles and Annette Zelnio recently purchased their property in northwest Elba Township. Zelnio, Dir., Ex. 1.0, Il. 21-23. The Zelnio’s future home sits on that property. *Id.* Il. 23-26. The Zelnios had a difficult time finding a property that met their requirements. *Id.*, Il. 34-48. In fact, if a transmission line were bisecting the property, they never would have purchased it. *Id.*, Il. 61-63. ATXI’s Route A does just that, bisecting the property, bisecting a field at an angle, and coming within close proximity to their home.

Charles and Annette Zelnio argue that that ATXI’s Route B is the superior routing alternative in the Project area. Zelnio, Dir., Ex. 1.0, Il. 14-18. In doing so, they adopt

and assert the arguments appearing in §IV(B) below. If the Commission concludes otherwise, which it should not, the Zelnios assert that use of their modification in the northwest corner of Elba Township will result in better routing than the unmodified ATXI Route A. Zelnio, Ex. 1.01.

In the image below, ATXI's Route A is green, while the Zelnio modification is yellow. Koch Surr., ATXI Ex. 16.0 p. 6 (Mar. 5, 2015). The Zelnio modification is an on property adjustment that prevents the bisection of the parcels and field.

Figure 1 – Zelnio Modification



The Zelnio modification is facially reasonable. Staff and Zelnio simultaneously proposed very similar adjustments. Rockrohr, Dir. Rev., Staff Ex. 1.0(R), II. 240-248 (contemporaneously providing an all but identical route modification). Staff supports the Zelnio adjustment. Rockrohr, Reb., Staff. Ex. 2.0, II. 71-79. When Administrative Law Judge (“ALJ”) Albers inquired if “ATXI has agreed to construct the modification,” the

response was in the affirmative. Koch, Tr. 368:16-19. No one has submitted evidence in opposition to the modification. As such, the modification is agreed upon. Accordingly, this Commission should provide a measure of weight when comparing the Zelnio Adjustment against ATXI Route A. Order, p. 24, *In re Commonwealth Edison Co.*, Docket 13-0567 (Oct. 22, 2014).

Table 1 – Agreed to Zelnio Adjustment Comparison

A	Length of line	Zelnio modification is a “small additional length.”
B	Difficulty & Cost of Construction	No more difficult to construct, but “slightly higher” cost.
C	Difficulty & Cost of Construction	No known difference
D	Environmental Impacts	No known difference
E	Impacts on Historical Resources	No known difference
F	Social and Land Use Impacts	Favors the use of the Zelnio modification by preventing the unnecessary bisection of tilled property
G	Number of Affected Landowners and other Stakeholders and Proximity to Homes and Other Structures	Favors the use of the Zelnio modification by affecting same parcels, but decreasing proximity to a residence
H	Proximity to Planned and Existing Development	Favors the use of the Zelnio modification
I	Community Acceptance	Favors the use of the Zelnio modification
J	Visual Impact	Favors the use of the Zelnio modification
K	Presence of Existing Corridors	Favors the use of the Zelnio modification

A. Length of the Line

The Zelnio Adjustment is only marginally longer than ATXI’s proposed Route A. Klein, Reb., ATXI, Ex. 12.0, Il. 165-66 (a “small additional length”).

B. Difficulty and Cost of Construction

The Zelnio adjustment is constructible. Molitor, Reb. (Rev.), ATXI Ex. 14.0(Rev.), ll. 114; Klein, Reb., ATXI Ex. 12.0, ll. 160. The Zelnios even adjusted their modification, based upon ATXI's data request responses, to ensure ease of construction. Zelnio, Dir., Ex. 113-117. If utilized, the Zelnio modification would only result in a "slightly higher cost to construct." Molitor, Reb., ATXI Ex. 12.0, ll. 170-171; Molitor, Reb.(Rev.), ATXI Ex. 14.0(Rev.), ll. 115. As mentioned above, Illinois ratepayers are only responsible for a small fraction of that "slightly higher cost."

C. Difficulty and Cost of Operation and Maintenance

No party has presented evidence on this factor. See, e.g. Klein, Tr. 236:6-9.

D. Environmental Impacts

Utilization of the Zelnio modification does not result in any increase in environmental impacts. In fact, when an ATXI data request response identified a potential issue with a pole location – as it related to a waterway and permitting – the Zelnios adjusted their modification. Zelnio, Dir., Ex. 113-117. Also, as explained by ATXI's witness, any potential issues are easily spanned. Koch, Reb. Ex. 16.0 ll. Finally, both ATXI's Route A and the Zelnio modification cross the same creek and the same wooded areas. Accordingly, there is no difference in environmental concerns. *Id.*, ll.108-109.

E. Impacts on Historical Resources

No party has presented evidence on this factor.

F. Social and Land Use Impacts

ATXI's Route A bisects the Zelnio property. See, Figure 1, *supra*; Rockrohr, Rev. Dir., Staff Ex. 1.0(R), Il. 241-243. In doing so, it bisects tilled farm ground at an angle. Rockrohr, Rev. Dir., Staff Ex. 1.0(R), Il. 241-243. Even ATXI's witnesses acknowledge that this significantly impacts farming operations. Koch, Tr. 313:21-214:3. The Zelnio modification cures these impacts by placing the transmission line at the edge of Charles' and Annette's property.

G. Number of Affected Landowners and other Stakeholders and Proximity to Homes and Other Structures

The Zelnio modification lies across the same properties as ATXI's Route A. Zelnio, Dir., Ex., 1.0, Il. 120-124. However, the unmodified ATXI Route A is "closer to a residence than is necessary." Rockrohr, Rev. Dir., ATXI Ex. 1.0(R), Il. 243-244. The Zelnio modification adjusts the location of the transmission line to a location at least 500 feet from the Zelnio's home. Zelnio, Dir. Ex. 1.0, Il. 110-112; Koch, Reb., ATXI Ex. 16.0, Il. 425.

H. Proximity to Existing and Planned Development

As addressed above, ATXI's Route A is closer to the Zelnio home, a development, than utilization of the Zelnio modification allows.

I. Community Acceptance

ATXI's Route A is opposed by Charles and Annette Zelnio, along with most intervenors in this docket. While they believe that ATXI's Route B is superior, they have proposed the Zelnio modification as an acceptable alternative. The farmer to the east of the Zelnio's prefers the Zelnio modification to ATXI's unmodified Route A. Zelnio, Dir.,

Ex. 1.0, II. 122-124. There is no evidence that any person in the community does not accept the modification.

J. Visual Impact

Unmodified, ATXI's Route A bisects the Zelnio property and places the transmission line in close proximity and direct viewing of the Zelnio home. Utilizing the Zelnio modification places the transmission line along existing property lines obscuring its view with vegetation. Likewise, based upon a review of Figure 1, *supra*, it appears that vegetation will remain south of the transmission line, preventing bare land between the Zelnio home and Interstate 74.

K. Presence of Existing Corridors

The unmodified ATXI Route A does not track existing property lines, does not track existing roads, does not track existing field lines, and does not track existing section lines or half-section lines. Koch, Tr. 334:21-335:9. It simply bisects Zelnio's property, following no particular corridor. By more closely following ATXI's own routing guidelines, the Zelnio modification results in the project being routed alongside and near existing property lines.

**IV(R). LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES
(RAMP MODIFICATION)**

The Knox County Landowner Intervenor consist of Block Farms, Inc., Jean A. Brodine, The Estate of Robert R. Humphreys, Gloria Jean Humphreys, Valrie M. Moffett, Sally J. Ramp, Roshan LLLP, Wild Rose Farm, Inc., and the Pauline Johnson Family Limited Partnership. Wild Rose Farm leases other Knox County Landowner Intervenor's properties for farming, and has made many improvements to the land,

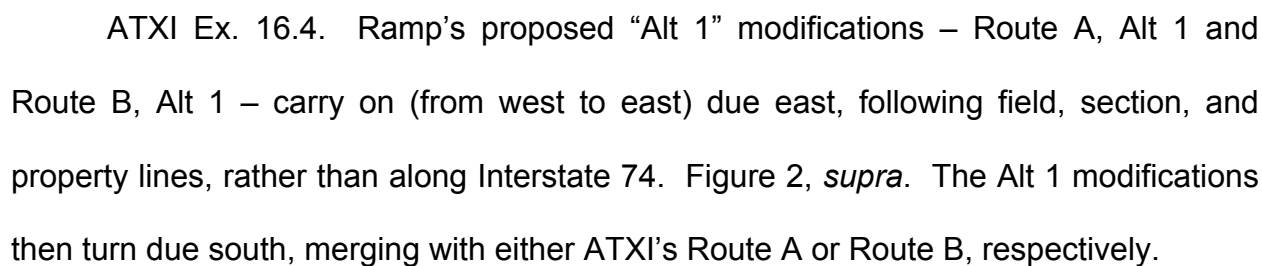
including increasing soil fertility, adding drainage tile, and clearing of brush. Ramp, Dir., Ramp Ex. 1.0REVISED, II. 24-28.

Mr. Ramp is familiar with the area Wild Rose Farm owns and leases on both the north and south side of Interstate 74. He has had the opportunity to walk across a significant portion of both ATXI's Routes A and B. *Id.* II. 42-43. With this knowledge, Mr. Ramp asserts that routing the transmission line along the south side of Interstate 74 is inferior to routing it along the north side of Interstate 74. Because ATXI's Route A lies across the land to the south of Interstate 74, while ATXI's Route B lies across land to the north, Mr. Ramp concludes that ATXI's Route B is superior in this particular area.

Mr. Ramp points out that there is significant additional non-tillable ground on the north side of Interstate 74, meaning that farming operations would be impacted to a lesser extent. *Id.* II. 43-45. To the contrary, routing along the south side of Interstate 74 will place poles in the middle of tilled farm ground, increasing the cost of production and lessening yields by creating overlaps, gaps, untreated areas, compaction, and crop injury. *Id.* II. 59-66. Moreover, these impacts will be magnified as new agricultural technologies are introduced, if the transmission line limits their implementation on Wild Rose Farm land. *Id.* II. 70-76.

Mr. Ramp also contends that ATXI's Route B, as a whole – not just in his particular area – is the superior routing alternative for the project. In particular he notes that ATXI's Route B impacts far fewer homes with only a modest increase in cost to construct. *Id.* II. 118-119. In his advocacy for ATXI's Route B, Ramp adopts and incorporates the arguments made by in §IV(B), below. However, if this Commission concludes that ATXI's Route A should be utilized, Mr. Ramp has suggested

Figure 2 – Ramp Proposed Modifications



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routing. Koch, Tr. 323:9-15. Moreover, the Ramp modifications would not affect the in-service date of the project. Molitor, Tr. 162:23-163:4.

The following table summarizes the application of the Commission factors. It indicates that *if* the Commission were to order the utilization of ATXI Route A, that route should be adjusted to include the Ramp modification.

Table 2 – Ramp Modifications Comparison

A	Length of line	The Ramp modifications are less than one mile longer than the routes they replace
B	Difficulty & Cost of Construction	Slightly higher cost, of which, Illinois ratepayers will be responsible for \$180,500
C	Difficulty & Cost of Construction	No known difference not accounted for in costs
D	Environmental Impacts	No known difference
E	Impacts on Historical Resources	No known difference
F	Social and Land Use Impacts	The Ramp Alt1 modifications prevent impacts to tilled farm properties
G	Number of Affected Landowners and other Stakeholders and Proximity to Homes and Other Structures	The Ramp Alt1 modifications result in a significant reduction of homes in proximity to the transmission line
H	Proximity to Planned and Existing Development	The Ramp Alt1 modifications cure concerns about congestion raised by Staff
I	Community Acceptance	Favors the use of the Ramp Alt1 modifications
J	Visual Impact	Favors the use of the Ramp Alt1 modifications
K	Presence of Existing Corridors	Favors the use of the Ramp Alt1 modification as the existing corridor utilized, property and field lines, has a lesser effect on farming operations

A. Length of the Line

The Ramp Alt1 modifications are approximately 2% longer than the ATXI Routes A and B they replace. Koch, Reb., ATXI Ex. 16.0, ll. 130.

B. Difficulty and Cost of Construction

The Ramp Alt1 modifications are constructible. Molitor, Revised Reb., ATXI Ex. 14.0(Rev.), ll. 124-125; Klein, Reb., ATXI Ex. 12.0, ll. 180-181; Rockrohr, Reb., Staff Ex. 2.0, ll. 165-167. While Ramp's Route A, Alt1 modification costs more than ATXI's unmodified Route A, Illinois ratepayers will only be impacted in the amount of \$180,500.² Klein, Reb., ATXI Ex. 12.0, ll. 4-5; Rockrohr, Reb., Staff Ex. 2.0N, ll. 191-195 (explaining that ATXI's ratepayers are only responsible for 9.5% of the cost); SP-ATXI Cross Ex. 1. Considering that ATXI submitted that an increase in cost of \$600,000 was appropriate to avoid affecting two-homes,³ it would seem that the slight increase in cost is well worth it here. Ramp Ex. 1.01; See, Order, p. 16, *In re Illinois Power Company d/b/a Ameren IP & Ameren Illinois Transmission Co.*, Docket 06-0179, (May 16, 2007) ("Although the Staff proposal is longer and thus more costly, it provides, among other things, an important benefit of avoiding the siting of high-voltage transmission lines in close proximity to residential dwellings.")

ATXI has made much out of Ramp's Alt1 modifications paralleling pipelines. See, e.g., Molitor, Revised Reb., ATXI Ex. 14.0(Rev.), ll. 125-128. It is much ado about nothing. To begin, ATXI's Routes A and B also parallel pipelines. Molitor, Tr. 157:14-17. In fact, pipelines were considered an opportunity in the Routing Study. Molitor, Tr. 159:1-3. Additionally, while they were notified of these proceedings, no pipeline owner intervened. Molitor, Tr. 185:7-15. Moreover, at this time, it is unclear if there is even an issue with pipelines. Rockrohr, Reb., Staff Ex. 2.0, ll. 167-169. ATXI has not

² Being 9.5% of the ATXI estimate of \$1.9 million dollar increased cost.

³ Of the three homes in the vicinity, one of them is affected by both ATXI's Routes A and B.

undertaken studies to determine if mitigation measures are needed for its proposed Routes or any modifications. Molitor, Revised Reb., ATXI Ex. 14.0 (Rev.), ll. 125-132. Even if there is an issue, it can be mitigated, and those costs are already included in ATXI's estimates. Molitor, Tr. 159:4-15; Klein, Tr. 234:14-20.

Finally, ATXI notes that there will be a 90-degree turn in an area of slightly lower elevation. Molitor, Revised Reb., ATXI Ex. 14.0(Rev). ll. 134-137. ATXI does not know if the pole will have to taller, does not know its height, and did not bother to determine, or suggest, a more optimal placement for the turn. Molitor, Tr. 160:11-16. Given that "typical pole height[s]" vary by forty feet, this issue has been exaggerated. Molitor, Revised Reb., Ex. 14.0(Rev.), ll. 209-212.

C. Difficulty and Cost of Operation and Maintenance

No party has presented evidence on this factor. See, e.g. Klein, Tr. 236:6-9.

D. Environmental Impacts

There would be no increased environmental impacts associated with using the Ramp Alt1 modifications.

E. Impacts on Historical Resources

No party has presented evidence on this factor.

F. Social and Land Use Impacts

ATXI's Route A, unmodified, impacts land use to a much greater degree than it would if Ramp's Alt1 modification were used. ATXI's Route A requires transmission lines to be placed approximately seven to ten feet away from the interstate right of way. Molitor, Tr. 161:1-3; Koch, 324:8-10. Doing so results in poles being placed within tilled fields. Molitor, Tr. 169:4-11. This greatly impacts farming operations, as Mr. Ramp

discussed and ATXI is aware. *Supra*. Despite its awareness, ATXI did not provide any additional consideration to avoiding cultivated fields. Koch, Tr. 363:2-6.

In order to mitigate this land use impact, Ramp developed his modification with the express intention of avoiding pole placement in tilled areas, while avoiding homes. Ramp, Revised Dir., Ramp Ex. 1.0(REVISED), Il. 127-128. As ATXI's witness admits, placement in field lines and section lines minimizes the impact of the transmission line. Molitor, Tr. 168:2-5. Ramp's Alt1 modifications allow the opportunity for every single pole to be placed within untilled areas. Ramp, Tr. 290:17-20. This is even the case around the slight "bump" used to avoid non-residential structures. Ramp, Tr. 287:19-288:17, 290:23-291:2.

G. Number of Affected Landowners and other Stakeholders and Proximity to Homes and Other Structures

The Ramp Alt 1 modifications significantly reduce the impacts to homes. Ramp avoided placing any homes within 500 feet of his modifications. Ramp, Revised Dir., Ramp Ex. 1.0 REVISED, Il. 168-171. While the Ramp Alt1 modifications do affect a slightly higher number of landowners,⁴ they reduce the number of residences affected. Koch, Reb., ATXI Ex. 16.0, Il. 130. Ramp's modification to ATXI's Route A impacts one fewer home between 150-300 feet of the line and two fewer homes in the 300-500 feet range. *Id.* His modification to ATXI's Route B impacts four fewer homes in the 150-300 feet range and two fewer homes in the 300-500 foot range. *Id.*

⁴ Likely a result of the fact that placement on the property lines, rather than in the middle of fields, involves two landowners.

H. Proximity to Existing and Planned Development

Staff has pointed out that ATXI's Routes A and B impact a congested area in the proximity of County Road 1200N and Interstate 74. Rockrohr, Reb., Staff Ex. 2.0, II. 176-182. Ramp's Alt1 modifications avoid this area, along with the homes noted above.

I. Community Acceptance

ATXI's Route A is opposed by the Knox County Landowner Intervenors, among the other intervenors. While they believe that Route B is superior, Ramp has proposed the Ramp Alt1 modifications as an acceptable alternative to an unmodified ATXI Route A. No community member has opposed the Ramp Alt1 modifications.

J. Visual Impact

As explained in greater detail below, Ramp's Alt1 modifications remove the unsightly transmission lines from the view of thousands of daily drivers on Interstate 74. Moreover, by avoiding being near homes, fewer residents and visitors would view the unsightly transmission line. As such, Ramp's Alt1 modifications result in lower visual impact than ATXI's unmodified Route A.

K. Presence of Existing Corridors

Unmodified, ATXI's Route A parallels Interstate 74 to a greater extent than Ramp's Alt1 modifications. In doing so, it crosses Interstate 74 twice, which Staff considers to be a significant issue. Rockrohr, Reb., Staff Ex. 2.0, II. 175-176. Given the fact that no permit has been secured from IDOT yet, the concern is justified. Molitor, Tr. 162:15-18; 189:12-15; Koch, Tr. 325:10-14.

Ramp's Alt1 modifications utilize existing corridors, in the way of field and property lines. Ramp, Dir. Revised, Ramp Ex. 1.0 REVISED, II. 126-128. Rockrohr,

Reb., Staff Ex. 2.0, ll. 187-190. In doing so, unlike ATXI's unmodified Route A, Mr. Ramp has created a modification with a lesser impact to farming operations and homes. See, Koch, Tr. 313:21-314:3 (agreeing that crossing through a field, diagonally impacts farming operations greater than going along section line).

IV(B). LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES (ATXI'S ROUTE B)

The Peoria County I-74 Landowner Intervenor, Charles and Annette Zelnio, and the Knox County Landowner intervenors all believe that ATXI's Route B is the most superior route for constructing the proposed project. They, along with other intervenors, including William McMurtry, Kellie Tomlinson, and Bethany Baptist Church, have submitted testimony opposing ATXI's Route A and advocating for ATXI's Route B.

Table 3 – ATXI's Route A v. B

A	Length of line	Route A is shorter
B	Difficulty & Cost of Construction	Route B is more costly, but ATXI ratepayers would only have to pay \$551,000 of the increase.
C	Difficulty & Cost of Construction	Both routes are constructible and costs to overcome difficulty are included
D	Environmental Impacts	No known difference as both Route's impacts can be holistically balanced
E	Impacts on Historical Resources	Favors ATXI's Route B
F	Social and Land Use Impacts	Favors ATXI's Route B
G	Number of Affected Landowners and other Stakeholders and Proximity to Homes and Other Structures	Favors ATXI's Route B to a great degree as 39 more homes are impacted by ATXI's Route A
H	Proximity to Planned and Existing Development	Favors ATXI's Route B
I	Community Acceptance	Favors ATXI's Route B

J	Visual Impact	Favors ATXI's Route B
K	Presence of Existing Corridors	No known difference as both Routes use existing corridors

A. Length of the Line

ATXI's Route A is shorter than ATXI's Route B. ATXI Ex. 8.2, Pt. 1 of 2, p. 20.

B. Difficulty and Cost of Construction

Both of ATXI's proposed routes are constructible. Molitor, Revised Dir., ATXI Ex. 6.0, ll118-119. While ATXI's Route B costs \$5.8 million more than its Route A, only \$551,000 will be born by Illinois ratepayers. Klein, Surr., ATXI Ex. 19.0, ll. 226-231; SP-ATXI Cross Ex. 1. Moreover, as Mr. Randy Moon pointed out, ATXI was willing to increase cost by \$600,000 to avoid three (actually two)⁵ homes. From that, he inferred that ATXI established a value of \$200,000 per home-avoided as reasonable for its routing analysis. R. Moon, Dir., Randall Moon Ex. 1.0, ll. 191-196. Additionally, despite addressing Mr. Moon's inference, ATXI's witness did not dispute the \$200,000 per home-avoided value. Koch, Reb., ATXI Ex. 16.0, ll. 332-337. Accordingly, the slight increases cost is not only justifiable as a matter of principal, it is also justified as a quantitative matter. The thirty-nine additionally impacted homes, discussed below, multiplied by \$200,000 each, more than "cover" the cost difference.

C. Difficulty and Cost of Operation and Maintenance

No party has presented evidence on this factor. See, e.g. Klein, Tr. 236:6-9.

⁵ One of which remains impacted, despite ATXI's attempted avoidance. Ramp, Tr. 282:22-283:5.

D. Environmental Impacts

Both ATXI's Route A and B have different environmental impacts. Undertaking a "holistic" comparison, as ATXI claims to have done, they can easily be said to be balanced. See, Koch, Tr. 339:18-19.

ATXI's Route A impacts Department of Natural Resources easements to a greater degree than its Route B. ATXI Ex. 8.2, Pt. 2 of 2, p. 7. While ATXI's Route B does proceed near known habitats of the Franklin's ground squirrel, ATXI has stated that it has constructed other transmission lines near Franklin's ground squirrel habitats and complied with all requirements associated with doing so. Koch, Tr. 367:17-368:11. Mr. Rodger Moon also points out his observations from an aircraft, in which, he concludes that ATXI witnesses have overestimated the number of streams, as many are likely just drainage ditches with minor sloping. G.R. Moon, Reb., Gerald R. Moon Ex. 2.0, II. 20-22.

E. Impacts to Historical Resources

As compared to ATXI's Route A, ATXI's Route B impacts no known archeological sites and has less right of way acreage in high probability areas for archeological sites. ATXI Ex. 8.2, Pt. 2 of 2, p. 10.

F. Social and Land Use Impacts

ATXI's Route A has much greater social and land use impacts than its Route B. Stakeholders made it clear that impacts to agriculture were, by far, the most important of sensitivities for routing the transmission line. ATXI Ex. 8.2, Pt. 2 of 2, p. 18. However, ATXI failed to provide any additional preference to avoiding cultivated agricultural fields. Koch, Tr. 363:2-6. It is no surprise, then, that it failed to recognize

the significantly greater impact to farming operations resulting from its Route A as opposed to its Route B.

ATXI claims that more cropland falls within the right-of-way of ATXI's Route B than Route A.⁶ However, Route A actually has a greater actual impact to farming operations. As explained above, ATXI's Route A requires transmission lines to be placed approximately seven to ten feet away from the interstate right of way. Molitor, Tr. 161:1-3; Koch, 324:8-10. This requires transmission line poles to be placed in the middle of tilled fields. Molitor, Tr. 169:4-11. This greatly impacts farming operations, as described by Mr. Ramp. *Supra*.

Moreover, ATXI's Route A requires the use of significantly more angle structures – 23 more light angle structures, 13 more medium angle structures, 6 more light heavy structures, and 3 more heavy structures – than ATXI's Route B. ATXI Ex. 8.2, Pt. 1 of 2, p. 21. In total, ATXI's Route A requires 108 total angle structures, as opposed to only 63 for its Route B. These angle structures are more robust structures with wider and deeper foundations. ATXI Ex. 8.2, Pt. 1 of 2, p. 20. As such, Route A impacts the land uses around them to to a greater degree. Also, despite these more robust, heavier, structures being placed in tilled farm ground, ATXI has no plan for compensating for reduced yields if compaction is not sufficiently mitigated by chiseling soil. Nelson, Tr. 188:20-189:1.

Likewise, ATXI's Route A can impede aerial application of pesticides, fungicides, and other agrichemicals. G.R. Moon, Dir., Gerald R. Moon Ex. 1.0, ll.36-39. Ameren has failed to provide any evidence that its transmission line will not impact aerial

⁶ ATXI Ex. 8.2, Part 2 of 2, p. 22.

applications, especially in areas with pole placement not along property lines, such as Route A. G.R. Moon, Reb., Gerald R. Moon Ex. 2.0, ll. 68-75. Indeed, nothing indicates that ATXI has even consulted with an aerial applicator. Aerial application is not included in the Agricultural Impact Mitigation Agreement. Nelson, Tr. 188:4-12.

Much like the impact to various intervenors' farmland, including Wild Rose's, ATXI's Route A will also deny the Moons the use of their pasture. G.R. Moon, Dir., Gerald R. Moon Ex. 1.0, ll.36-39

Finally, as to social and land use impacts, ATXI's Route A lays within 250 feet of eleven more wells than ATXI's Route B. ATXI Ex. 8.2, Pt. 2 of 2, p. 2. Also, the effect to local parks and recreation lands is also greater with ATXI's Route A. ATXI Ex. 8.2, Part 2 of 2, p. 3.

G. Number of Affected Landowners and other Stakeholders and Proximity to Homes and Other Structures

Importantly, ATXI's Route B affects significantly fewer homes than ATXI's Route A. Overall, ATXI's Route B impacts 39 fewer homes and 1 fewer non-residential structure than ATXI's Route A. Mr. McMurtry calculated this to mean ATXI's Route A, compared to its Route B, has a 65 percent increase in homes impacted. McMurtry, Revised Dir., McMurtry Ex. 1(R), ¶ 3. Mr. Rodger Moon points out that one such home is the homestead of a farm with Sesquicentennial farm status. G.R. Moon, Dir., Gerald R. Moon Ex. 1.0, ll. 24-29.

ATXI's Routing Study included homes within 1,000 feet as being impacted by the transmission line. ATXI Ex. 8.2, Part 1 of 2, p. 7. When asked to identify sensitivities along a routing alternative, homes within 500-1,000 feet were, again, included. Koch, Tr. 327:18-328:10. Given the opportunity to state whether or not 500 feet was a *de*

facto industry standard for determining impacts for residences, ATXI again included homes within 500-1,000 feet. *Id.*, 331:22-332:8. ATXI has repeatedly doubled-down on the fact that homes within 1,000 feet are considered impacted, or potentially impacted, in its routing study. Thus, comparing apples-to-apples, there are 39 more homes impacted by ATXI's Route A than ATXI's Route B.

Moreover, utilization of ATXI's Route B avoids having two separate religious facilities in proximity of the transmission line. ATXI Ex. 8.2, Part 2 of 2, p. 3. Bethany Baptist Church would seem to be one such religious facility, and they have explained that new construction and youth soccer fields on will also be affected. Mason, Bethany Baptist Reb., ll. 9-18.

H. Proximity to Existing and Planned Development

ATXI's Route A impacts areas already zoned residential to a greater degree than ATXI's Route B. ATXI Ex. 7.5. Mr. Rodger Moon observed as much in his airplane. G.R. Moon, Reb., Gerald R. Moon Ex. 2.0, ll. 23-27. Mr. Palmer points out that some subdivisions, such as Fox Creek, will suffer from increased noise due to removal of vegetation. Palmer, Reb., ll. 12-23. Ms. Tomlinson similarly points this out. Tomlinson, Reb., ll. 75-89.

ATXI will be removing the entire tree line for 52 percent of the forested areas along a five mile stretch it parallels Interstate 74, roughly between the Kickapoo-Edwards exit to Persifer Township. Koch, Tr. 327:3-11. Yet, ATXI coldly states that it is not required to address noise impacts. Koch, Reb., ATXI Ex. 16.0, ll. 446-449. As such, ATXI severely underestimates its impact to existing subdivisions. Moreover, several intervenors, including Mr. Rodger Moon, have indicated that research, and their

own knowledge, indicates that a reduction in value of properties will occur. See, e.g., G.R. Moon, Reb., Gerald R. Moon Ex. 2.0, Il. 7-13; R. Moon, Reb., Randall Moon Ex. 2.0, Il. 96-103.

I. Community Acceptance

Unlike ATXI's Route B, where no intervenor has submitted evidence against its use, ATXI's Route A is opposed by the Knox County Landowner Intervenors, the Peoria County I-74 Landowner Intervenors, Charles and Annette Zelnio, as well as William McMurtry, Kellie Tomlinson, and Bethany Baptist Church. The record reflects that the Village of Brimfield takes issue with the Project being routed too close to it as well. McMurtry Ex. 31. This was not considered by Staff when recommending ATXI's Route A. Rockrohr, Tr. 129:10-11. Moreover, a petition indicates more than 150 signatories reject ATXI's Route A. Gerald R. Moon Ex. 1.02.

J. Visual Impact

Use ATXI's Route A will result in a much greater visual impact than ATXI's Route B. Mr. Randall Moon points out, he and others believe that the stretch of Interstate 74 between the Kickapoo exit to Route 21 in Knox County is scenic, passing through varied terrain and vegetation and timber.⁷ R. Moon, Dir., Randall Moon Ex. 1.0, Il. 126-154. Mr. Kunkle also recognizes that drivers admire his trees along Interstate 74. Kunkle, Dir., Il. 28-30. If ATXI's Route A is constructed, a majority of the vegetation and timber will be completely cleared. Koch, Tr. 327:3-11. This will result in sixteen thousand⁸

⁷ Mr. McMurtry points out that impacts to forested land are greater with ATXI's Route A. McMurtry, Revised Dir., McMurtry Ex. 1(R), ¶ 4.

⁸ R. Moon, Dir., Randall Moon Ex. 1.0, Il. 9-16.

drivers being denied scenic views, and instead, presented denuded land with bare, open fields, and gray towers.

Moreover as ATXI's Route B avoids 39 homes, fewer residents and visitors would be viewing the transmission line. See, e.g. Tomlinson, Revised Dir., Tomlinson Ex.1(R), ¶ 9; G.R. Moon, Dir., Gerald R. Moon Ex. 1.0, ll. 40-42.

K. Presence of Existing Corridors

Unmodified, ATXI's Route A does parallel I-74 to a greater extent than ATXI's Route B. But, it foregoes other corridors that provide similar opportunities with less adverse effects. For example, ATXI's Route B utilizes U.S. Highway 150 in the same manner as its Route A utilizes Interstate 74. ATXI Ex. 8.1, pp. 1, 3; see *also*, Molitor, Tr. 156:15-19 (stating that non-limited access right of way can be used in the same manner as Interstate 74's right of way). ATXI's Route B also utilizes existing property lines. Unlike ATXI's Route A, there is no reason to believe that utilization of these corridors would result in placement of poles in the middle of cultivated fields. Molitor, Tr. 169:4-9, 168:2-5 (indicating placement of poles on field lines minimizes impact of the transmission line). As such, it is respectfully suggested that while ATXI's Route A does utilize the Interstate 74 corridor, this corridor actually leads to greater impacts. To the contrary, ATXI's Route B utilizes U.S. Highway 150 and property lines, which serve as superior corridors for this project.

V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS

The SP Parties have nothing to bring to the Commission's attention, on this topic, at this time.

VI. FINANCING THE PROPOSED CONSTRUCTION

The SP Parties have nothing to bring to the Commission's attention, on this topic, at this time.

VII. SECTION 8-503 AUTHORITY

The SP Parties restate the arguments raised in §§ II and III. *Supra*.

VIII. OTHER

The SP Parties have nothing more to bring to the Commission's attention at this time.

Respectfully submitted,
Knox County Landowner
Intervenors, the Peoria County I-
74 Landowner Intervenors and
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